

1 Eugene P. Ramirez (State Bar No. 134865)
eugene.ramirez@manningkass.com
2 Eugene P. Hanrahan (State Bar No. 185826)
eugene.hanrahan@manningkass.com
3 Kayleigh Andersen (State Bar No. 306442)
kayleigh.andersen@manningkass.com
4 **MANNING & KASS**
ELLROD, RAMIREZ, TRESTER LLP
5 801 S. Figueroa St, 15th Floor
Los Angeles, California 90017-3012
6 Telephone: (213) 624-6900
Facsimile: (213) 624-6999

7 Attorneys for Defendants SHERIFF CHAD
8 BIANCO; Sergeant TODD JOHNSON;
Correctional Deputy ABDUAL FAR;
9 MORGAN MCCANDLESS; Correctional
Corporal BENJAMIN SEAGRAVES-
10 GLADNEY; Deputy KEVIN JONES;
Correctional Deputy PHILLIP
11 DIEFENDERFER; Correctional Deputy
THOMAS KOLB; Correctional Deputy
12 MIGUE TRIANA; and Corporal KAI
GALLARDO

13 **UNITED STATES DISTRICT COURT**

14 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

15
16 DEZARAE MUNOZ, individually and
as successor-in-interest to Estate of
17 ULYSSES MUNOZ AYALA,

18 Plaintiffs,

19 v.

20 SHERIFF CHAD BIANCO, an
Individual; Sergeant TODD
21 JOHNSON, an individual, Correctional
Deputy ABDUAL FAR, an individual,
22 MORGAN MCCANDLESS, an
Individual, Correctional Corporal
23 BENJAMIN SEAGRAVES-
GLADNEY, an Individual, Correctional
24 Deputy KEVIN JONES, an Individual;
Correctional Deputy PHILLIP
25 DIEFENDERFER, an Individual,
Correctional Deputy THOMAS KOLB,
26 an Individual, Correctional Deputy
MIGUE TRIANA, an Individual,
27 Corporal KAI GALLARDO, an
individual; RIVERSIDE COUNTY
28 SHERIFF'S DEPARTMENT; and

Case No.: 5:23-cv-02063-JGB-DTB
Honorable Jesus G. Bernal

**JOINT STIPULATION AND
REQUEST FOR DISMISSAL
WITH PREJUDICE AS TO
PLAINTIFF'S THIRD CLAIM
FOR RELIEF AS TO
DEFENDANTS**

*Filed Concurrently with [Proposed]
Order*

DOES 1-25, Inclusive.
Defendants.

TO THE HONORABLE COURT:

By and through their counsel of record in this action, Plaintiff DEZARAE MUNOZ, individually and as successor-in-interest to Estate of ULYSSES MUNOZ AYALA ("Plaintiff") and Defendants SHERIFF CHAD BIANCO; Sergeant TODD JOHNSON; Correctional Deputy ABDUAL FAR; MORGAN MCCANDLESS; Correctional Corporal BENJAMIN SEAGRAVES-GLADNEY; Deputy KEVIN JONES; Correctional Deputy PHILLIP DIEFENDERFER; Correctional Deputy THOMAS KOLB; Correctional Deputy MIGUE TRIANA; and Corporal KAI GALLARDO ("Defendants") hereby stipulate for the purpose of jointly requesting that the honorable Court dismiss with prejudice certain claims as follows:

GOOD CAUSE STATEMENT

1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), a plaintiff may dismiss an action (or claims therein) without a court order by filing a stipulation of dismissal signed by all parties who have appeared.

2. After conference of counsel on November 18, 2024, following the filing of Plaintiff's First Amended Complaint, the parties hereby stipulate to dismiss those portions of Plaintiff's claims from the operative Complaint as specified herein below.

STIPULATION FOR PARTIAL DISMISSAL

IT IS HEREBY STIPULATED as follows:

3. Plaintiff's Third Claim for Relief for 42 U.S.C. § 1983 Failure to Properly Train and Supervise & *Monell* Liability for Policy, Practice & Custom – as alleged against Defendants Sergeant TODD JOHNSON; Correctional Deputy ABDUAL FAR; MORGAN MCCANDLESS; Correctional Corporal BENJAMIN SEAGRAVES-GLADNEY; Deputy KEVIN JONES; Correctional Deputy PHILLIP

1 DIEFENDERFER; Correctional Deputy THOMAS KOLB; Correctional Deputy
2 MIGUE TRIANA; and Corporal KAI GALLARDO shall be dismissed with
3 prejudice.

4 4. The parties further stipulate that this Dismissal constitutes a general
5 mutual release and a mutual waiver of all costs, court fees, and attorneys' fees arising
6 out of litigation of the Third Claim for Relief as against Defendants.

7 **STIPULATION RE TIME TO RESPOND TO COMPLAINT**

8 5. In light of the parties' stipulation to dismiss the Third Claim for Relief as
9 against Defendants, IT IS HEREBY FURTHER STIPULATED that Defendants shall
10 have up to and including December 6, 2024 to file an Answer to the remaining claims
11 in the operative Complaint.

12 **IT IS SO STIPULATED.**

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MK MANNING | KASS

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2 DATED: November 21, 2024

**MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP**

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By: /s/ Kayleigh A. Andersen

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Eugene P. Ramirez

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Eugene P. Hanrahan

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Kayleigh Andersen

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Attorneys for Defendants SHERIFF CHAD

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BIANCO; Sergeant TODD JOHNSON;

10

Correctional Deputy ABDUAL FAR;

11

MORGAN MCCANDLESS; Correctional

12

Corporal BENJAMIN SEAGRAVES-

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GLADNEY; Deputy KEVIN JONES;

14

Correctional Deputy PHILLIP

DIEFENDERFER; Correctional Deputy

THOMAS KOLB; Correctional Deputy

MIGUE TRIANA; and Corporal KAI

GALLARDO

15 DATED: November 21, 2024

KHASHAN LAW FIRM, APC

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By: /s/ Lewis Khashan

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Lewis Khashan

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Attorneys for Plaintiff

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